

Case 1:07-cv-05463-JSR Document 3 Filed 06/25/2007 Page 1 of 1
UNITED STATES DISTRICT COURT

SOUTHERN DIST. COURT OF THE STATE OF NEW YORK

COUNTY OF

IRON WORKERS LOCAL UNION NO. 580 ET AL

— against —

Petitioner(s)
Plaintiff(s)Defendant(s)
Respondent(s)

Attorney: COLLERAN

Return Date:

Case
Index No. 07 CV 5463

Date Filed:

D.F.S. BROTHERS IRON WORKS

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NASSAU SS:

THE UNDERSIGNED DEPONENT BEING DULY SWEORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY OF THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on JUNE 15, 2007 at 1:19 PM. at 58-15 58th PLACE, MASPETH, NY

deponent served the within SUMMONS IN A CIVIL ACTION, PETITION AND JUDGE'S MAGISTRATES RULES upon

witness/defendant/respondent (hereinafter called the recipient) therein named.

INDIVIDUAL

By Personally delivering to and leaving with said individual, and that he knew the person so served and described as recipient therein.

D.F.S. BROTHERS IRON WORKS

CORPORATION

By delivering to and leaving with **SAL LOFASO** and that he knew the person so served and authorized to accept service to be an officer director managing or general agent cashier assistant cashier Agent authorized by appointment or by law to receive service.

Other pursuant to CPLR Section 311:

SUITABLE

AGE PERSON

By delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's actual place of business dwelling place usual place of abode within the state.

AFFIXING TO DOOR, ETC.

By affixing a true copy of each to the door of said premises, which is recipient's actual place of business dwelling place usual place of abode within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called thereDeponent talked to at said premises who stated that recipient lived worked there.

MAILING TO RESIDENCE USE WITH CORD

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

MAILING TO BUSINESS USE WITH CORD

Within 24 hours of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to recipient at recipient's actual place of business, at an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the recipient.

RPAPL 735 An additional mailing by Certified Mail was made to the respondent at the premise sought to be recovered.

DESCRIPTION

Deponent further states that he describes the person actually served as follows:

SEX

SKIN COLOR

HAIR COLOR

AGE (Approx.)

HEIGHT (Approx.)

WEIGHT (Approx.)

MALEWHITEBLACK35 yrs5'10"1804135

Other identifying Features:

WITNESS FEES

\$

the authorizing traveling expenses and one day's witness fee:

 was paid (tendered) to the recipient was mailed to the witness with subpoena copy.

MILITARY SERVICE

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the defendant is not in the military service of New York State or of the United States as the term is defined in either the State or in the Federal statutes.

Sworn to before me the

day of June 2007

P.2

(Notary Public)

JOHN F. BARRY
NOTARY PUBLIC, State of New York
No. 01BA472454
Qualified in Nassau County
Commission Expires Aug. 31, 2010

2010

PLEASE PRINT NAME BELOW SIGNATURE

JEFFREY CUNOCCHIOLI

License No.

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